



KENTUCKY BOARD OF EDUCATION

BOARD NOTES

Volume 15, No. 3 Report of the June 13-14, 2007, Regular Meeting

SPECIAL EDUCATION AND KHSAA REGULATION AMENDMENTS FINALIZED

At its June meeting, the Kentucky Board of Education revisited the special education and KHSAA regulations to consider comments that were submitted at the public hearing on May 31. The Board had the discretion to make further changes to the regulations after considering these comments or leave them as passed at the April meeting.

Additional amendments made to 707 KAR 1:280, 1:300, 1:310, 1:320, 1:350 and 1:360, Special Education Programs, included:

- 707 KAR 1:280, Section 1, Page 8, Line 23 – The definition for “hearing impairment” was changed to read:

“(a) may be mild to profound, unilateral or bilateral, permanent or fluctuating, and is determined by:

- (1) an average pure-tone hearing loss in the speech range (500 Hz, 1000 Hz, and 2000 Hz) of at least 25dB in the better ear: or
- (2) an average pure-tone hearing loss in the high-frequency range (2000 Hz, 4000 Hz, and 6000 Hz) of at least 45dB in the better ear: or
- (3) an average pure-tone unilateral hearing loss in the speech range (500 Hz, 1000 Hz and 2000 Hz) of at least 60dB in the impaired ear: and,

(b) results in difficulty identifying linguistic information through hearing: and,
(c) has an adverse effect on the child’s educational performance.”

- 707 KAR 1:320, Section 7, Page 13, Line 11 – In regard to transition planning, the phrase “or when the child has reached the age of fourteen (14) years” was added for clarity.
- 707 KAR 1:340, Section 6, Page 9, Line 8 – As a technical correction, the word “to” was changed to “by” so that it reads “consent for initial evaluation has been given by someone appointed by the judge to represent the child.”
- 707 KAR 1:340, Section 10, Page 16, Line 11 – A revision to the subsection reference was amended to include both subsections 11 and 12.

As to 702 KAR 7:065, Designation of agent to manage high school interscholastic athletics, the following additional amendments were approved:

- Bylaw 4, Page 8, Section 5(c)(i) and ii(1) and (2) – A technical amendment was made to the provisions for expanding athletic territory by changing “may be expanded” to “shall be expanded.” These amendments ensure that all students from terminal public and non-public schools have options to attend schools without eligibility restrictions.
- 702 KAR 7:065, Page 4, Sections 4 and 5, Lines 12 and 15 – The edition of the KHSAA Handbook needed updating to read “Fall 2007, June 14, 2007, edition.”

The regulations as amended now proceed through the legislative committee review process prior to becoming effective. Questions on the special education regulations should be directed to Johnnie Grissom at (502) 564-4970 or via email to Johnnie.Grissom@education.ky.gov. For clarification on the KHSAA regulation contact Julian Tackett at (859) 299-5472 or via email at jtackett@khsaa.org.

ELEMENTARY AND MIDDLE SCHOOL NORM-REFERENCED TESTS DISCUSSED

When the Kentucky Board of Education gave final approval to 703 KAR 5:020 in February 2007, the revised regulation required that norm-referenced tests at elementary and middle schools be administered and reported but the results would not be included in the calculations of the accountability index. Elementary schools were permitted the flexibility to choose a norm-referenced test approved by the Kentucky Department of Education to be administered in reading and math once during elementary school with results reported publicly and discussed with parents. At middle school, EXPLORE was designated to be administered at grade 8, reported publicly and with parents, and used in the development of a student’s Individual Learning Plan (ILP).

The Education Assessment and Accountability Review Subcommittee (EAARS) has brought to the Board’s attention that its interpretation of the statutes related to this matter is that a single, uniform elementary norm-referenced test should be required and results included in the elementary accountability formula. At middle school, EAARS indicated that the Board should inquire about reserving a form of EXPLORE for Kentucky and the

subcommittee communicated that EXPLORE results should be included in middle school accountability.

At the June meeting, the Board learned that to add back in a single, uniform assessment at the elementary level would require the release of a request for proposal to secure a vendor for an elementary norm-referenced test. Additionally, a grade level at which to administer the test would have to be determined.

Relative to EXPLORE, Kentucky Department of Education staff reported that ACT, Inc. has indicated it will be able to dedicate a form to Kentucky and any other state interested in statewide administration in 2007-08 at no additional cost. However, staff noted that the costs for subsequent years must be determined.

Department staff recommended to implement EAARS' interpretation at the beginning of the next biennium in order to keep the rules the same for the two-year testing cycle. The Board asked staff to bring the regulation dealing with accountability to the August meeting so that continued dialogue on proposed changes to the assessment and accountability system can occur.

For more information on the norm-referenced test issue, contact Pam Rogers at (502) 564-2256 or via email at Pamela.Rogers@education.ky.gov.

UPDATE ON ACT IMPLEMENTATION

The Board heard an update on activities that have occurred relative to the implementation of Senate Bill 130, which added three readiness exams to Kentucky's assessment system – EXPLORE, PLAN and the ACT. The report included the following:

- The EXPLORE test was administered to all of Kentucky's 8th graders during September 2006. Results have been sent to schools but are currently not included in accountability calculations.
- The PLAN test was administered to all Kentucky 10th graders during September 2006 and results were sent to schools. The results will be included in the 2006-07 fall reporting for 5% of the CATS high school accountability formula.
- The ACT will be administered statewide in March 2008. In 2007-08 and subsequent years, PLAN and ACT results will be included for 5% of the CATS high school accountability formula.
- An independent alignment study of the ACT is underway through the leadership of Dr. Norman Webb. During the sessions directed by Dr. Webb on April 18, 19 and 20, teams of teachers, administrators, university staff and external experts analyzed the match between ACT and the Kentucky Core Content for Assessment in reading, writing, mathematics and science. These results were shared with the National Technical Panel on Assessment and Accountability (NTAPAA) at its June 7 and 8 meeting and a summary of findings were shared with the Kentucky

Board of Education. It was reported that NTAPAA concluded the augmenting of the ACT with Kentucky Core Content Test items is a complex problem. Department staff will come back in August with more details on the study results and a recommendation on how to proceed.

- WorkKeys will be administered during the 2007-08 school year. A possibility of multiple assessment windows and/or an online format is being discussed to allow for the greatest amount of student success and flexibility.

For more information on ACT implementation, contact Pam Rogers at (502) 564-2256 or via email at Pamela.Rogers@education.ky.gov.

COMMISSION ON INTERSCHOLASTIC ATHLETICS APPOINTED

At its June meeting, the Kentucky Board of Education approved the following appointments to the Commission on Interscholastic Athletics:

- Kenneth Shadowen – Benton, KY – Judicial District 1
- Thomas E. Gumm – Glasgow, KY – Judicial District 2
- Jane Adams Venters – Somerset, KY – Judicial District 3
- Sherron A. Hoehler Gambert – Louisville, KY – Judicial District 4
- Harvey D. Thompson – Lexington, KY – Judicial District 5
- Brenda Jackson – Shelbyville, KY – Judicial District 6
- Dr. Zella Wells – Paintsville, KY – Judicial District 7

The Commission's charge is to review the operational efficiency of the Kentucky High School Athletic Association. This review shall include, but is not limited to, an examination of the following issues:

- Are business practices conducted efficiently?
- Are existing by-laws monitored and enforced?
- Is the amount expended for legal services appropriate and reasonable?
- Are eligibility rulings and appeals addressed promptly and consistently?
- What is the role of eligibility hearing officers? Does the Board of Control usually accept their findings?
- Review the relationship of the KHSAA to the court system. Are orders of the court being appropriately addressed?

The Commission's first meeting has been scheduled for July 12. The Board has asked to meet with its chair at the August Kentucky Board of Education meeting to dialogue further about the commission's work.

For more information on this topic, contact Mary Ann Miller at (502) 564-3141 or via email at MaryAnn.Miller@education.ky.gov.

MEETING DATES FOR 2007, 2008 AND 2009 APPROVED

The Board approved its upcoming meeting schedule for the long-term as follows:

KBE Meeting Dates 2007

<u>2007</u>	<u>Type of Meeting</u>	<u>Location</u>
July 11, 2007	Regular meeting	Frankfort
August 8-9, 2007	Regular meeting	Frankfort
September 5, 2007	Regular meeting	Available hotel, Louisville
October 3-4, 2007	Regular meeting	Frankfort
November 14, 2007	Regular meeting	Available hotel, Florence
December 6-7, 2007	Regular meeting	Frankfort

KBE Meeting Dates 2008

<u>2008</u>	<u>Type of Meeting</u>	<u>Location</u>
January 9, 2008	Regular meeting	Frankfort
February 6-7, 2008	Regular meeting	Frankfort
March 5, 2008	Regular meeting	Available hotel, Richmond or Boone Tavern, Berea
April 2-3, 2008	Regular meeting	Frankfort
May 13-14, 2008	KBE retreat/strategic plan Discussion	Kentucky Dam Village State Park, Gilbertsville Or Lake Barkley Lodge
June 11-12, 2008	Regular meeting	Frankfort
July 9, 2008	Regular meeting	Frankfort
August 6-7, 2008	Regular meeting	Frankfort
September 10, 2008	Regular meeting	Cumberland Falls State Park, Corbin
October 1-2, 2008	Regular meeting	Frankfort
November 5, 2008	Regular meeting	Rough River State Park, Falls of Rough
December 10-11, 2008	Regular meeting	Frankfort

KBE Meeting Dates 2009

<u>2009</u>	<u>Type of Meeting</u>	<u>Location</u>
January 14, 2009	Regular meeting	Frankfort
February 4-5, 2009	Regular meeting	Frankfort
March 4, 2009	Regular meeting	Jenny Wiley State Park, Prestonsburg
April 1-2, 2009	Regular meeting	Frankfort
May 12-13, 2009	KBE retreat/strategic plan Discussion	Available hotel, Lexington
June 10-11, 2009	Regular meeting	Frankfort
July 8, 2009	Regular meeting	Frankfort
August 5-6, 2009	Regular meeting	Frankfort
September 9, 2009	Regular meeting	Available hotel, Owensboro
October 7-8, 2009	Regular meeting	Frankfort
November 5, 2009	Regular meeting	General Butler State Park, Carrollton
December 9-10, 2009	Regular meeting	Frankfort

For questions on the Kentucky Board of Education's meeting schedule, contact Mary Ann Miller at (502) 564-3141 or via email at MaryAnn.Miller@education.ky.gov.

OTHER ITEMS APPROVED AT THE JUNE 13-14 MEETING WERE:

- Surplusing of property at the Kentucky School for the Deaf
- Site acquisition and preparation costs for the proposed new elementary school at Masterson Station, Fayette County
- Re-appointment of Jeffrey Schlosser to the KHSAA Board of Control
- Appointment of Jan Moseley to the KSB Advisory Board
- 2008 Kentucky Minimum Specifications for School Buses
- District facility plans for Adair, Allen, Anderson, Ballard, Barren, Boyle, Bracken, Breckinridge, Caldwell, Carter, Campbell, Clark, Estill, Franklin, Fleming, Floyd, Garrard, Grant, Hancock, Harrison, Hopkins, Henry, Knox, Leslie, Livingston, Madison, Marion, McCracken, Metcalfe, Monroe, Morgan, Rowan, Simpson, Spencer, Trigg, Warren, Wayne and Washington Counties and Barbourville, Bardstown, Bellevue, Berea, Campbellsville, Cloverport, Dawson Springs, Elizabethtown, Glasgow, Mayfield, Murray, Paintsville, Paducah, Raceland, Russellville, Silver Grove and Somerset Independents
- Rejection of district facility plans from Martin and Taylor Counties
- District facility plan amendments for Jackson County and Owensboro Independent
- Certification of non-public schools as submitted by the Non-Public School Commission
- Appointment of John W. Hardy to the State Textbook Commission

- Request from Webster County for a waiver of 704 KAR 3:410, Section 7, Personnel, for lead teacher requirements for the preschool education program for four (4) year old children
- Revisions to the KBE Policy Manual
- Appointment to the KBE Nominating Committee of C.B. Akins, Chair; Kaye Baird, Jeanne Ferguson and David Rhodes
- Payment of NASBE dues
- Ballot for NASBE officers

ITEMS REVIEWED BY THE BOARD IN JUNE WITH NO ACTION TAKEN WERE:

- KDE Employment Report
- Continuation of Progress Toward Proficiency by 2014
- Statewide System of Assistance to Low-Performing Schools – The Voluntary Partnership Assistance Team (VPAT) Option – Gallatin and Madison County Teams
- Update on the Kentucky School for the Blind and the Kentucky School for the Deaf
- 704 KAR 4:020, School Health Services
- 702 KAR 5:080, Bus drivers’ qualifications, responsibilities and training
- White paper on Gifted and Talented
- Status of the Kentucky Alternate Assessment System
- Update on the Title III Program, Language Instruction for Limited English Proficient (LEP)/English Language Learners (ELLS) and Immigrant Students
- 704 KAR 7:101, Repeal of 704 KAR 7:100, Approval of operation of alternative education programs for purposes of drivers’ license revocation
- Comments by Suzanne Burkhardt (Shelby County), 2007 Kentucky Teacher of the Year
- Update on the Collaborative Center for Literacy Development and the Kentucky Writing Project State Network

The actions described above were taken in open session of the Kentucky Board of Education at the June 13-14, 2007, regular meeting conducted in the State Board Room, Capital Plaza Tower, 1st Floor, Frankfort, Kentucky. This information is provided in summary form, and an official record of the meeting is available on tape in the permanent records of the Kentucky Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. These records are open for inspection Monday through Friday, 8:00 a.m. - 4:30 p.m.

For additional information about the Kentucky Board of Education meetings, agendas, minutes or special accommodations needed for attending meetings, contact Mary Ann Miller, Policy Advisor at (502) 564-3141.

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